

Maine Revised Statutes
Title 15: COURT PROCEDURE -- CRIMINAL
Chapter 507: PETITION, ADJUDICATION AND DISPOSITION

§3313. CRITERIA FOR WITHHOLDING AN INSTITUTIONAL DISPOSITION

1. Standard. The court shall enter an order of disposition for a juvenile who has been adjudicated as having committed a juvenile crime without imposing placement in a secure institution as disposition unless, having regard to the nature and circumstances of the crime and the history, character and condition of the juvenile, it finds that his confinement is necessary for protection of the public because:

- A. There is undue risk that, during the period of a suspended sentence or probation, the juvenile will commit another crime; [1979, c. 663, §118 (AMD).]
- B. The juvenile is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or [1977, c. 520, §1 (NEW).]
- C. A lesser sentence will depreciate the seriousness of the juvenile's conduct. [1977, c. 520, §1 (NEW).]

[1979, c. 663, §118 (AMD) .]

2. Additional consideration. The following grounds, while not controlling the discretion of the court, shall be accorded weight against ordering placement in a secure institution:

- A. The juvenile's conduct neither caused nor threatened serious harm; [1977, c. 520, §1 (NEW).]
- B. The juvenile did not contemplate that his conduct would cause or threaten serious harm; [1977, c. 520, §1 (NEW).]
- C. The juvenile acted under a strong provocation; [1977, c. 520, §1 (NEW).]
- D. There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense; [1977, c. 520, §1 (NEW).]
- E. The victim of the juvenile's conduct induced or facilitated its commission; [1977, c. 520, §1 (NEW).]
- F. The juvenile has made or has agreed to make restitution to the victim of his conduct for the damage or injury that the victim sustained; [1977, c. 520, §1 (NEW).]
- G. The juvenile has not previously been adjudicated to have committed a juvenile crime or has led a law-abiding life for a substantial period of time prior to the conduct which formed the basis for the present adjudication; [1977, c. 520, §1 (NEW).]
- H. The juvenile's conduct was the result of circumstances unlikely to recur; [1977, c. 520, §1 (NEW).]
- I. The character and attitudes of the juvenile indicate that he is unlikely to commit another juvenile crime; [1977, c. 520, §1 (NEW).]
- J. The juvenile is particularly likely to respond affirmatively to probation; and [1979, c. 663, §119 (AMD).]
- K. The confinement of the juvenile would entail excessive hardship to himself or his dependents. [1977, c. 520, §1 (NEW).]

[1979, c. 663, §119 (AMD) .]

3. Statement of reasons accompanying disposition for juvenile adjudicated of murder or a Class A, Class B or Class C crime. In a disposition for a juvenile crime that if committed by an adult would be murder or a Class A, Class B or Class C crime, the court shall state on the record and in open court the court's reasons for ordering or not ordering placement of the juvenile in a secure institution.

[1995, c. 690, §5 (NEW) .]

SECTION HISTORY

1977, c. 520, §1 (NEW). 1979, c. 663, §§118,119 (AMD). 1995, c. 690, §5 (AMD) .

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